

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA )  
                              )  
                              )  
                              )  
v.                          )                              No. 1: 08-CR-38-002  
                              )                              *Judge Edgar*  
                              )  
CARLOS RAMIREZ-LARA     )

**MEMORANDUM AND ORDER**

Defendant has moved [Court Doc. No 50] for a “Daubert” hearing. The Government has moved [Court Doc. No. 52] to continue that hearing. This court has granted the continuance and set a hearing on the “Daubert” motion on **January 9, 2009 at 2:00 P.M.** [Court Doc. No. 53]. So that all parties will have a clear understanding of the nature of the January 9, 2009, hearing, the court orders the following: The hearing will not be a “Daubert” hearing. The issue here is not whether the government’s interpreter is qualified as an expert witness. The issue is whether certain taped conversation in the Spanish language has been correctly translated for the purpose of preparing a transcript. This will necessitate the government’s interpreter and the defendant’s interpreter each producing a transcript in **both** Spanish and English of what appears on the tape. These transcripts will be disclosed to the other party on or before **December 19, 2008**. If there remains a dispute about what is on the tapes, the court will make an attempt to resolve this at the January 9<sup>th</sup> hearing. However, in the meantime, the parties shall meet in an attempt to reach a stipulation on the accuracy of a single transcript. The parties will notify the court on or before **December 31, 2008**, as to whether such a stipulation has been reached. See *United States v. Robinson*, 707 F.2d 872, 878-79

(6<sup>th</sup> Cir. 1983).

At the January 9<sup>th</sup> hearing the court will not only deal with any remaining issues concerning the transcript, but will also resolve any other outstanding motions. The court will conduct a final pretrial conference at this time as well.

SO ORDERED.

ENTER this the 5<sup>th</sup> day of December, 2008.

/s/ R. Allan Edgar

R. ALLAN EDGAR

UNITED STATES DISTRICT JUDGE